

Amendments to the Claims: This listing of claims will replace all prior versions, and listings, of claims in the application

Listing of Claims:

- 1.-8. Canceled
9. (Withdrawn) Novel DNA sequences as claimed in claim 1 wherein, the nucleotide sequence of the DNA is given in SEQ ID NO:2.
10. (Withdrawn) Novel DNA sequences as claimed in claim 9 with the nucleotide sequence of the DNA as is given in SEQ ID NO: 2 is expressed only in non-dormant apical buds of tea.
11. (Withdrawn) Novel DNA sequences as claimed in claim 1 wherein the nucleotide sequence of the DNA is given in SEQ ID NO: 3.
12. (Withdrawn) Novel DNA sequences as claimed in claim 11 with the nucleotide sequence of the DNA as is given in SEQ ID NO:3 is expressed only in non-dormant apical buds of tea.
13. (Withdrawn) Novel DNA sequences as claimed in claim 1 wherein, the nucleotide sequence of the DNA is given in SEQ ID NO: 4.
14. (Withdrawn) Novel DNA sequences as claimed in claim 13 with the nucleotide sequence of the DNA as is given in SEQ ID NO: 4 is expressed only in dormant apical buds of tea.
- 15.-29. Canceled
30. (Previously presented) A DNA sequence consisting of the polynucleotide sequence of SEQ ID NO:1, wherein the polynucleotide sequence is expressed or repressed during winter dormancy in apical buds of a first *Camellia sinensis* L. (O.) Kuntze (tea) bush or tree, and wherein the polynucleotide sequence is over-expressed in non-dormant apical buds of the first tea bush or tree.
31. (Previously Presented) The DNA sequence of claim 30 wherein the polynucleotide sequence is cloned from a tea bush having the same genetic make-up as the first tea bush or tree.

32. (Previously Presented) The DNA sequence of claim 30 wherein the polynucleotide sequence is cloned from a *Camellia sinensis* L. (O.) Kuntze (tea) bush or tree species growing under field conditions.

33. (Previously Presented) The DNA sequence of claim 30 wherein the polynucleotide sequence is associated with winter dormancy in a tea bush or tree species.

34. (Previously Presented) The DNA sequence of claim 30 which is cloned by subtractive hybridization and differential screening.

35.-39. Canceled

40. (New) A polynucleotide sequence comprising a polynucleotide sequence having at least 80 per cent homology to the polynucleotide sequence of SEQ ID NO:1.

41. (New) A polypeptide encoded by the polynucleotide sequence of SEQ ID NO:1.

42. (New) A transformed *Camellia sinensis* L. (O.) Kuntze (tea) bush comprising a *Camellia sinensis* L. (O.) Kuntze (tea) bush transformed with the polynucleotide sequence of SEQ ID NO:1, wherein dormancy is modulated by regulating the expression of said polynucleotide in said *Camellia sinensis* L. (O.) Kuntze (tea) bush.